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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hoon Kim et al.

Atty. Docket: 5000-1-481

Serial No. 10/717,265

Group Art Unit: 2613

Filed: November 19, 2003

Examiner: David C. Payne

Title: OPTICAL SIGNAL QUALITY MONITORING APPARATUS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA22313-1450

PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAW NOTICE OF ABANDONMENT

Sir:

Applicant respectfully requests the Assistant Commissioner for Patents to restore the subject application, indicated by the Patent and Trademark Office (PTO) to be abandoned, to pending status on the ground that Applicant never received an Office Action.

FACTS

1. Applicants' attorney has conducted a follow up on the pending matter and discovered that the subject application is considered by the PTO have been abandoned by Applicant's failure to respond to an Office Action mailed on September 21, 2006.

2. Applicant never had the opportunity to respond to the Office Action by the prescribed due date, as attested to by the accompanying Declarations of Steve Cha and Lorraine Callahan under 1156 O.G. 53.

RELIEF REQUESTED

The Assistant Commissioner is respectfully requested to restore the subject application to pending status and resend the Office Action mailed on September 21, 2006.

FEE

The Assistant Commissioner is hereby authorized to charge Deposit Account No. 502-470 for any petition fee which may be due. However, since it is believed that the holding of abandonment is the result of circumstances not attributable to any fault of Applicants or their representatives, it is respectfully suggested that no fee is due.

Applicants' undersigned attorney may be reached by telephone at (201)226-9245. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Steve Cha,  
Attorney Reg. 44,069  
(201)226-9245

CHA & REITER, LLC  
210 Route 4 East, #103  
Paramus, NJ 07652

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

On 5-28-07  
By Steve Cha



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hoon Kim et al.

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Serial No. 10/717,265

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Examiner: David C. Payne

Title: OPTICAL SIGNAL QUALITY MONITORING APPARATUS

DECLARATION OF Steve Cha  
UNDER 1156 O.G. 53

Sir:

I, the undersigned Steve Cha, declare and say that:

1. I am a patent attorney for Samsung Electronics Co., Ltd., and I am the attorney who is primarily responsible for prosecution of the subject patent application and is listed on the originally filed Power of Attorney form, which was filed on November 19, 2003.

2. The Notice of Office Action at issue was not received by Applicant. To attest to this fact, I have personally searched the file jacket of the subject application and found no record of any such Office Action. According to the examiner, the Office Action was mailed to our previous address at 411 Hackensack Ave, 9<sup>th</sup> Floor, Hackensack, NJ 07601.

3. Our office has moved from the previous address to the current address at 210 Route 4 East #103, Paramus, NJ 07652 at about November of 2003. Prior to the relocation, all the applications in our office including this patent application at issue was associated with our Customer number (33942). To attest this fact, applicant encloses a copy of application filed on November 19, 2003, including the patent application transmittal form, bearing our customer number (See Exhibit A)

4. After the relocation to our current address on November of 2003, a petition to update our address associated with our Customer number was filed on January 30, 2004, and later processed by the Patent and Trademark Office. Since then, our office has been receiving all the correspondences associated with our Customer number correctly to our new location. (See Exhibit B)

For example, a copy of filing receipt dated June 14, 2004 shows the correct listing of our new address (See Exhibit C). Also, a preliminary amendment by applicant was filed on April 2, 2004 with our new address (See Exhibit D).


5. I have checked the pair system for this particular case. However, the system still has our old address despite our request to update to the new address on January 30, 2004.

6. After evidencing the correct association of this patent application with our Customer number and petitioning to update the address associated with our Customer number on January 30, 2004 after the relocation, our office has been waiting for the Office Action at the new address as we felt the update was performed diligently.

7. Further, after a personal search of the file jacket and reviewing the pertinent records, including the Declaration of Lorraine Callahan and the docket records, I conclude that the Office Action was never received by our office at the correct address.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statement and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated: May 24, 2007

  
Steve Cha  
Reg. No. 44,069

CHA & REITER, LLC  
210 Route 4 East, #103  
Paramus, NJ 07652  
Tel:201-226-9245  
Fax:201-226-9246



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hoon Kim et al.

Atty. Docket: 5000-1-481

Serial No. 10/717,265

Group Art Unit: 2613

Filed: November 19, 2003

Examiner: David C. Payne

Title: OPTICAL SIGNAL QUALITY MONITORING APPARATUS

DECLARATION OF Lorraine Callahan  
UNDER 1156 O.G. 53

Sir:

I, the undersigned LORRAINE CALLAHAN, declare and say that:

1. I am the Docketing Manager for Cha & Reiter, LLC. My responsibilities include docketing the receipt of documents from the Patent and Trademark Office, maintaining records of such documents and periods for response thereunder. All communications from the Patent and Trademark Office are directed to me immediately upon receipt within the company.

2. I maintain a computerized Attorney Master Docket in which is recorded the due date for responding to Office Actions and Communications received from the Patent and Trademark Office. I would have recorded the due date for the Office Action related in our incoming logging sheet and Attorney Master Docket. A copy of incoming mail log, from year 2005, listing all communication from the United States Patent and Trademark Office is attached hereto. (Exhibit E) As the Office Action was never received, the due date was not entered into our computer system.

3. Accordingly, from a review of all of the above-referenced records, it is my belief that the firm of Cha & Reiter, LLC did not receive the Office Action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this Application or any patent issued thereon.

Date: May 24, 2007

  
\_\_\_\_\_  
Lorraine Callahan

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	5000-1-481
	First Inventor	Hoon Kim et al.
	Title	OPTICAL SIGNAL QUALITY . . .
	Express Mail Label No.	EV 413311395 US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
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1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 20]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Sheets 2]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☒ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: .....

Prior application information:

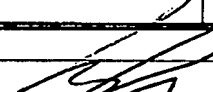
Examiner: .....

Art Unit: .....

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

☒ Customer Number: 33942 OR ☐ Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	
Name (Print/Type)	Steve S. Cha	Registration No. (Attorney/Agent)	44,069
Signature		Date	11/19/03

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

 031088 U.S. PTO  
 10/717265

111903





EV 413311395 US



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Label 11-F June 2002

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## ORIGIN (POSTAL USE ONLY)

PO ZIP Code 07661	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input checked="" type="checkbox"/>
Date In Mo. Day Year 4/19/03	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 12 lbs. 025 ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials OC	Total Postage & Fees \$ 13.65

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Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
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Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
<input type="checkbox"/> <b>WAIVER OF SIGNATURE (Domestic Only)</b> Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
<b>NO DELIVERY</b> <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		
Customer Signature		

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## METHOD OF PAYMENT:

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Federal Agency Acct. No. or Postal Service Acct. No.

## FROM: (PLEASE PRINT)

PHONE 201, 226 9245

CHA & REITER, LLC  
201 RT 4 E  
PARAMUS

NJ 07652-0328

5000-1-481

## TO: (PLEASE PRINT)

PHONE ( )

MAIL STOP PATENT APPLICATIONS  
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**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor (s), I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**OPTICAL SIGNAL QUALITY MONITORING APPARATUS**

,the specification of which is attached hereto unless the following box is checked:

☐ was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

<u>2003-42926</u> (Number)	<u>Republic of Korea</u> (Country)	<u>28/06/2003</u> (Day/Month/Year Filed)	Priority Claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of the Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)

**POWER OF ATTORNEY:** I hereby appoint as my attorneys and other attorneys or agents the registered persons identified under

**CUSTOMER NUMBER**

**33942**

for the law firm of CHA & REITER, said attorneys or agents with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to: Steve S. Cha, Esq.  
**CHA & REITER**  
411 HACKENSACK AVE  
9<sup>TH</sup> FLOOR  
HACKENSACK, NEW JERSEY 07601

**CUSTOMER NUMBER**  
**33942**

Address all telephone calls to: (201)518-5518:

I (we) hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of sole or first inventor:** Hoon KIM  
**Residence Address:** #106-401, Hyundaiipark, Kokbanjong-dong, Kwonson-gu, Suwon-shi, Kyonggi-do, Republic of Korea  
**Post office address:** Same as above  
**Citizenship:** Republic of Korea

**Date:** Nov. 10, 2003

**Signature:** Hoon KIM

**Full name of Second inventor:** Yun-Je OH  
**Residence Address:** #102-202, Dongilhivil, Unnam-ri, Kusong-myon, Yongin-shi, Kyonggi-do, Republic of Korea  
**Post office address:** Same as above  
**Citizenship:** Republic of Korea

**Date:** Nov. 10, 2003

**Signature:** Yun Je Oh

**Full name of Third inventor:** Seong-Taek HWANG  
**Residence Address:** #102-303, Daerim APT., Dokgok-dong, Pyongtaek-shi, Kyonggi-do, Republic of Korea  
**Post office address:** Same as above  
**Citizenship:** Republic of Korea

**Date:** Nov. 10, 2003

**Signature:** Seong-taek Hwang

EXHIBIT B  
Exhibit B

PTO/SB/124A (06-03)

Approved for use through 07/31/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# Request for Customer Number Data Change

Address to:  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To the Commissioner for Patents:

33942

Please record the following data changes to Customer Number:

☒ Please change Address to:

Firm or Individual Name	CHA & REITER, LLC				
Address	210 Route 4 East, Suite 103				
Address					
City	Paramus	State	NJ	Zip	07652
Country	USA				
Telephone	201-226-9245	Fax	201-226-9246		

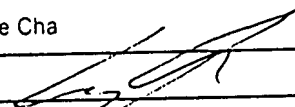
☐ Please delete the following practitioner registration number(s) from the Customer Number indicated above:


☒ Please add the following practitioner registration number(s) from the Customer Number above:

44,069	42,576	37,709		

☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto (PTO/SB/124B or equivalent)

Request Submitted by: (must be a person, e.g. registered practitioner, associated with the customer number shown above)

Firm Name (if applicable)	CHA & REITER, LLC			
Name of Person Submitting request	Steve Cha			
Signature			Registration No.	44,069
Telephone Number	201-226-9246	Date	1/30/04	

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option.

Serial No. \_\_\_\_\_ Docket No. \_\_\_\_\_ Div. \_\_\_\_\_  
Title \_\_\_\_\_

In the Application of \_\_\_\_\_  
the following papers have been received by the Patent and Trademark Office, as  
indicated by the date stamped hereon:

☐ Application For Patent

☐ Declaration

☐ Drawings

☐ Assignment

☐ Priority document

☐ Power of Attorney

☐ Check for \$ \_\_\_\_\_

☒ REQUEST FOR CUSTOMER  
NUMBER DATA CHANGE

\_\_\_\_\_ pages of spec., claims & abs. P 4: 53  
2008 FEB 3 RECEIVED EPC CSC

☐ Affidavit

\_\_\_\_\_ Sheet(s) TO

☐ Amendment

☐ Response

☐ Extension of Time

☐ Issue Fee

☐ Maintenance Fee

☐ Appln. TM Registration

☐ 8 & 15 Declaration

☐ Renewal Application

☐ Notice of Appeal

☐ Brief

☐ Petition



Exhibit C

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUNE 14, 2004

PTAS



\*102612039A\*

CHA & REITER  
STEVE CHA  
210 ROUTE 4 EAST, SUITE #103  
PARAMUS, NEW JERSEY 07652

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/19/2003

REEL/FRAME: 014726/0226  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: 5000-1-481

ASSIGNOR:

KIM, HOON

DOC DATE: 11/10/2003

ASSIGNOR:

OH, YUN-JE

DOC DATE: 11/10/2003

ASSIGNOR:

HWANG, SEONG-TAEK

DOC DATE: 11/10/2003

ASSIGNEE:

SAMSUNG ELECTRONICS CO., LTD.  
416, MAETAN-DONG, PALDAL-GU  
SUWON-CITY, KYUNGKI  
REPUBLIC OF  
KOREA

JUN 2 - 2004